

**ASSEMBLY BILL**

**No. 1047**

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**Introduced by Assembly Member Bigelow**

February 26, 2015

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An act to amend Section 6307 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1047, as introduced, Bigelow. Dams and reservoirs: fees.

Existing law requires the Department of Water Resources to adopt, by regulation, a schedule of fees to cover the department's costs in carrying out the supervision of dam safety.

This bill would make nonsubstantive changes in those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 6307 of the Water Code is amended to  
2     read:  
3     6307. (a) (1) The department shall adopt, by regulation, a  
4     schedule of fees to cover the department's costs in carrying out  
5     the supervision of dam safety.  
6     (2) The revenue generated by the fees imposed under this section  
7     shall be adjusted periodically for cost-of-living increases. If the  
8     director determines that the revenue collected during the preceding  
9     fiscal year was greater or less than the cost to operate the program,  
10    the director shall adjust the fees to compensate for the  
11    overcollection or undercollection of revenue. The department shall  
12    provide a schedule of fees to the Legislature and to every dam

owner that has a permit or has applied for a permit, when any adjustment is made to the fees under this section.

(b) (1) An annual fee shall be paid on or before January 31, 2004, July 1, 2004, and on or before July 1 of each succeeding year, based upon a fixed rate and height of the dam, including all enlargements thereto, substantially completed by or in operation on June 30, 2003, and on June 30 of each succeeding year. The fees collected on December 31, 2003, will be credited toward the fees due January 31, 2004. The annual fee shall be four hundred dollars (\$400) per dam, plus one hundred ten dollars (\$110) per foot of height. This fee shall be periodically adjusted, as described in subdivision (a).

(2) A penalty plus interest, as set forth in ~~Section 6428 of the Water Code, 6428~~, shall be imposed for fees received after July 1 in any year, except that for the year 2003, the penalty plus interest shall be imposed for any fees received after January 31, 2004.

(c) For the purposes of this section, “height of the dam” means the vertical distance, to the nearest foot, from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the department, or from the lowest elevation of the outside limit of the barrier, as determined by the department, if it is not across a stream channel or watercourse, to the maximum possible water storage elevation.

(d) Notwithstanding subdivision (b), the department shall limit the total annual fee per dam to not more than seventy-five dollars (\$75) if both of the following apply:

(1) The dam has a storage capacity of not more than 100 acre-feet.

(2) The governing body of a private school or the governing board of a public school certifies that the dam is used as a subject of study by its students.

(e) (1) Notwithstanding subdivision (b), the department shall limit the total annual fee for dams or reservoirs located on farms or ranch properties to one hundred fifty dollars (\$150) per dam, and sixteen dollars (\$16) per foot of height.

(2) For purposes of this subdivision, “farm” has the same meaning as defined in Section 52262 of the Food and Agricultural Code.

1 (f) (1) Privately owned dams with less than 100 acre-feet of  
2 storage capacity shall be assessed an annual fee in accordance with  
3 paragraph (1) of subdivision (e).

4 (2) As used in this subdivision, “privately owned” does not  
5 include dams owned by municipalities, water districts or  
6 companies, irrigation districts, private, investor owned or publicly  
7 owned utilities, or public agencies.

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